

## **NORFOLK, VIRGINIA**

### **ACTION OF THE COUNCIL**

**TUESDAY, FEBRUARY 28, 2012 – 7:00 P.M.**

Prayer by Councilwoman Angelia Williams, followed by the Pledge of Allegiance.

President Fraim moved to excuse Mr. Burfoot from today's meeting.

**Motion adopted.**

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

President Fraim moved to dispense with the reading of the minutes of the previous meeting.

**Motion adopted.**

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No: None.

### **CEREMONIAL MATTER**

1. Gary Dillion, Department of Criminal Justice Services, presented Sheriff Bob McCabe a reaccreditation certificate for the Norfolk City Jail.
2. President Fraim read and presented a Resolution of appreciation to R. Harvey Chappell, Jr., Chief Legal Water Counselor for his 31 years of legal work for Norfolk's water system.

## **R. HARVEY CHAPPEL, JR**

**WHEREAS**, R. Harvey Chappell, Jr., a top water law expert in the Commonwealth of Virginia, has provided legal guidance for the city of Norfolk's water system for more than 31 years; and

**WHEREAS**, R. Harvey Chappell, Jr.'s wise counsel and tenacious advocacy enabled Norfolk's water system to become the second largest water purveyor in the Commonwealth of Virginia; and

**WHEREAS**, long-term water contracts that support the economic vitality of Southside Hampton Roads were developed and executed with his assistance; and

**WHEREAS**, throughout his tenure as chief water law counsel, R. Harvey Chappell, Jr. displayed a strong commitment to the welfare of the Norfolk water system and worked tirelessly to ensure its continued strength and vitality; and

**WHEREAS**, after more than 31 years of service as Norfolk's expert legal counsel in all water system related matters, R. Harvey Chappell, Jr. has retired from the active practice of law.

### **NOW, THEREFORE, Be it Resolved:**

Section 1:- That the Council of the City of Norfolk does hereby extend its thanks and appreciation to R. Harvey Chappell, Jr. for more than 31 years of outstanding service to the citizens of the city of Norfolk through his work as expert legal counsel in all water system related matters.

Section 2:- That this resolution shall be in effect from and after its adoption and that a copy thereof be presented to R. Harvey Chappell, Jr.

**ACTION:** The Resolution as introduced was **adopted**, effective February 28, 2012.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

## **PUBLIC HEARINGS**

PH-1

**PUBLIC HEARING** scheduled this day pursuant to action of the Council on February 14, 2012, under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the issuance of the **General Obligation Bonds** up **\$180,000,000** to fund the cash flow needs of the General Capital, Wastewater and Stormwater Capital Improvement Programs.

Thereupon, An Ordinance entitled, “An Ordinance authorizing the issuance and sale by the City of Norfolk, Virginia of up to **\$180,000,000** in **General Obligation Capital Improvement Bonds**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective February 28, 2012.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

PH-2

**PUBLIC HEARING** scheduled this day pursuant to action of the Council under the State law, public notice having been inserted in the local press by the City Clerk, to hear comments on the **consolidation of various voting precincts and polling locations**.

Ellis James, 2021 Kenlake Place, spoke on behalf of this matter. .

Thereupon, An Ordinance entitled, “An Ordinance to amend and reordain sections 14.1-16, 14.1-23, 14.1-27, 14.1-34, 14.1-43, 14.1-45, 14.1-67, 14.1-82, 14.1-100, 14.1-109, 14.1-111, and 14.1-133, and subsections 14.1-74 (22) and 14.1-75 (1) (13) (15), of the Norfolk City Code, 1979, to repeal sections 14.1-17, 14.1-25, 14.1-28, 14.1-33, 14.1-42, 14.1-44, 14.1-83, 14.1-91, 14.1-94, 14.1-99, 14.1-108, and 14.1-110, and, subsections 14.1-74 (11) (14) and 14.1-75 (2) (4) (12) (14), SO AS TO consolidate the **Tucker House and Titustown Center Precincts into the Titustown Precinct**, the **Larchmont Recreation Center and Old Dominion Precincts into the Old Dominion Precinct**, the **Lafayette and Willard Precincts into the Willard Precinct**, the **Immanuel and Lambert’s Point Precincts into the Lambert’s Point Precinct**, the **Sherwood Recreation Center Precinct and the Sherwood School Precincts into the Sherwood Precinct**, and the **Norview Methodist and the Norview Middle School Precincts into the Norview Precinct** and SO AS TO change the name of the **Bayview School Precinct** to the **Bayview Precinct** and change its voting place, and SO AS TO establish the voting places for the consolidated precincts,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective February 28, 2012.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

### **CONSENT AGENDA**

C-1 Letter from the City Manager recommending a public hearing be held to hear comments on the conveyance of two GEM Lots to **James E. Newby, II** on property located at **N S Holly Point Road**.

**ACTION:** City Clerk authorized to advertise for a public hearing on March 27, 2012.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

C-2

Letter from the City Manager recommending a public hearing be held to hear comments on the conveyance of a GEM Lot to **Mary W. Hayden** on property located at **N S Burrage Road**.

**ACTION:** City Clerk authorized to advertise for a public hearing on March 27, 2012.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

C-3

Letter from the City Manager presenting recommendation of the City Planning Commission on the application of **Norfolk Redevelopment and Housing Authority, a)** to amend the **General Plan of Norfolk, 1992**, from Industrial/Transportation/Utility to Medium Density Residential and **b)** to change the zoning from C-1 (Limited Commercial) district to Conditional R-11 (Moderate Density Multiple-Family) district.

**ACTION:** City Clerk authorized to advertise for a public hearing on March 27, 2012.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

C-4

Letter from the City Manager presenting recommendation of the City Planning Commission on the application of **Norfolk Redevelopment and Housing Authority** for the closing, vacating and discontinuing a portion of the south side of east Virginia Beach Boulevard between **Cecelia Street and Hanson Avenue** and a portion of a 10 foot lane from the eastern line of Cecelia Street.

**ACTION:** City Clerk authorized to advertise for a public hearing on March 27, 2012.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

C-5

Letter from the City Manager presenting a recommendation of the **City Planning Commission** on the application of the **City of Norfolk**, to amend the **Zoning Ordinance of the City of Norfolk, 1992**, to amend **Sections 2-3, 4-12.5, 8-6, and 13-6.12**, to make minor technical changes and corrections to 4 sections of the **Zoning Ordinance** resulting from an annual comprehensive review.

**ACTION:** City Clerk authorized to advertise for a public hearing on March 27, 2012.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

C-6

Letter from the City Manager presenting recommendation of the **City Planning Commission** on the application of the **City Planning Commission**, to amend the **Zoning Ordinance of the City of Norfolk, 1992**, to amend **Chapter 16 Signs** and revise regulations pertaining to **Electronic Changeable Copy Signs** and **Public Service Message Boards**.

**ACTION:** City Clerk authorized to advertise for a public hearing on March 27, 2012.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

C-7

Letter from the City Manager presenting recommendation of the City Planning Commission on the application of **John D. Hines** for **Old Dominion University** for the closing, vacating and discontinuing a portion of **Elkhorn Avenue** from the northern line of **43<sup>rd</sup> Street** northwardly to the southern line of **49<sup>th</sup> Street**.

**ACTION:** City Clerk authorized to advertise for a public hearing on March 27, 2012.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

## **REGULAR AGENDA**

R-1

Matter of a letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of an automobile repair facility on property located at **1550 Azalea Garden Road**,” was introduced in writing and read by its title.

**(Passed by at the meeting of January 24, 2012)**

Alden Murphy, 2400 Early Street, the applicant, was present to answer questions.

Dan Montague, 4605 Krick Street, supported this matter, but did not speak.

**ACTION:** The Ordinance as introduced was **adopted**, effective February 28, 2012.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-2

Letter from the City Manager and an Ordinance entitled, “An Ordinance authorizing the issuance and sale of up to **\$250,000,000** in Water Revenue Refunding Bonds to refund earlier bond issues of the City of Norfolk,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective February 28, 2012.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-3

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of an eating and drinking establishment on property located at **411 West York Street**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective February 28, 2012.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-4

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit off-lot parking on property located at **4392 Pretty Lake Avenue**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective February 28, 2012.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-5

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of an entertainment establishment on property located at **257 Granby Street**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective February 28, 2012.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-6

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Special Exception** to permit the operation of a used merchandise sales establishment located at **5038 East Princess Anne Road**,” was introduced in writing and read by its title.

**ACTION:** Continued Generally.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.

No. None.

R-7

Letter from the City Manager and an Ordinance entitled, “An Ordinance granting a **Downtown Development Certificate** to permit the change of use from office to medical office on property located at **129 West Virginia Beach Boulevard**,” was introduced in writing and read by its title.

Robyn Thomas, 913 West 21<sup>st</sup> Street, Ste C, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective February 28, 2012.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn, and Fraim.



No. None.

R-8

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a **Landlords’ Release** in favor of **TowneBank** for the benefit of **Norfolk Festevents, LTD.**, and authorizing the City Manager to execute the release on behalf of the City of Norfolk,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective February 28, 2012.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams, and Winn.

No. None.

Abstained: Fraim

R-9

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a grant award in the amount of **\$324,800.00** from the **Virginia Department of Emergency Management** and appropriating and authorizing the expenditure of the funds for the **Fiscal Year 2011 Port Security Grant Program** for the purchase of equipment to enhance port security,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective February 28, 2012.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No. None.

R-10

Letter from the City Manager and an Ordinance entitled, “An Ordinance accepting a grant in the amount of **\$170,000.00** from **Smart Beginnings South Hampton Roads** to recruit and sponsor eight **(8) Early Learning Centers** to participate in the Small Business Development Project, to recruit and sponsor thirteen **(13) Early Learning Centers** to implement the quality rating improvement system and to award thirty-five (35) teacher scholarships to early education professionals and appropriating and authorizing the expenditure of the grant funds and **\$100,000.00** in local matching funds for the **Smart Beginnings Program**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective February 28, 2012.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No. None.

R-11

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a grant application in the amount of **\$40,000.00** to the Commonwealth of **Virginia, Department of Criminal Justice Services**, to support the continuation of the **Virginia Sexual and Domestic Violence Victims Fund Grant Program** for the position of **Domestic Violence Case Worker** in the office of the **Norfolk Commonwealth’s Attorney** and appropriating and authorizing the expenditure of the grant funds for the position,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective February 28, 2012.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No. None.

R-12

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving a grant application in the amount of **\$130,728.00** to the Commonwealth of **Virginia, Department of Criminal Justice Services**, to support the continuation of the **Violence Against Women V-Stop Program**, appropriating and authorizing the expenditure of **\$46,392.00** in grant funds and **\$48,114.00** in a local cash match and accepting **\$36,222.00** as an in-kind service match for the program,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective February 28, 2012.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No. None.

R-13

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain **Section 45-13** of the **Norfolk City Code, 1979**, relating to trees and other vegetation **SO AS TO** allow residents to apply for a permit to prune and trim city trees,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective February 28, 2012.

Yes: Protogyrou, Smigiel, Whibley, Williams, Winn and Frain.

No. Riddick.

R-14

Letter from the City Manager and the following two Ordinances:

An Ordinance entitled, “An Ordinance granting a **Special Exception** to operate an entertainment establishment on property located at **330 West 22<sup>nd</sup> Street**,” was introduced in writing and read by its title.

Jennifer Eichert, 707 Stockley Gardens, was present to answer questions.

**ACTION:** The Ordinance as introduced was **adopted**, effective February 28, 2012.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Frain.

No. None.

R-14A

An Ordinance entitled, “An Ordinance granting a **Special Exception** permit the sale of alcoholic beverages for off-premises consumption on property located at **330 West 22<sup>nd</sup> Street**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective February 28, 2012.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Frain.

No. None.

R-15

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain **Section 26-5** and **41-26** of the **Norfolk City Code, 1979**, as amended and to add one new **Section Numbered 41-10.1** to the **Norfolk City Code, 1979**, as amended **SO AS TO** provide for different hours of collection of waste containers in the Downtown area to coordinate with light rail hours of operation and to prohibit obstructing of the light rail guideway by waste containers,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective February 28, 2012.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No. None.

R-16

Letter from the City Manager and a Resolution entitled, “A Resolution approving the guidance document for the **Chesapeake Bay Costal Management** area **SO AS TO** establish parameters for the use and enjoyment of the coastal area,” was introduced in writing and read by its title.

**ACTION:** The Resolution as introduced was **adopted**, effective February 28, 2012.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No. None.

R-17

Letter from the City Manager and an Ordinance entitled, “An Ordinance to repeal one subsection of **Section 25-653**, and to amend and reordain **Sections 25-649, 651, 652, and 654** **SO AS TO** add two right turn on red prohibitions, one u-turn prohibition, three one-way streets, and four stop signs,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective February 28, 2012.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No. None.

R-18

Letter from the City Manager and an Ordinance entitled, “An Ordinance approving the terms of a **Right of Entry Agreement** with **Downtown Norfolk Development Corporation T/A Downtown Norfolk Council** relative to a portion of a certain vacant property located at **100-120 East Main Street** in the City of Norfolk,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective February 28, 2012.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Frain.

No. None.

R-19

Letter from the City Manager and an Ordinance entitled, “An Ordinance to amend and reordain **Chapter 2** of the **Norfolk City Code, 1979**, **SO AS TO** add **Article XVIII, Sections 2-599** through **2-603**, creating a **Bicycling and Pedestrian Trails Commission**,” was introduced in writing and read by its title.

**ACTION:** The Ordinance as introduced was **adopted**, effective February 28, 2012.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Frain.

No. None.

R-20

A Resolution entitled, “A Resolution appointing Assistant City Manager, **Ronald H. Williams, Jr.**, as an ex officio member of the **Board of Directors of the Southeastern Public Service Authority of Virginia** for a certain term,” was introduced in writing and read by its title.

**ACTION:** The Resolution as introduced was **adopted**, effective February 28, 2012.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Frain.

No. None.

R-21

A Resolution entitled, “A Resolution appointing or reappointing 45 persons to 4 boards and 4 commissions for certain terms,” was introduced in writing and read by its title.

**ACTION:** The Resolution as introduced was **adopted**, effective February 28, 2012.

Yes: Protogyrou, Riddick, Smigiel, Whibley, Williams, Winn and Fraim.

No. None.

### **NEW BUSINESS**

1. Donald Hornstein, 603 Westover Ave, #9, spoke to Council concerning the Banker’s Trust Building located at 161 Granby Street. Stating that the building is hazardous and something needs be done about it.
2. Alfred Betts, HIV Educator/Counselor, 100 Suburban Park Way, spoke to Council about the HIV Program and the rise of HIV. He stated that they are in need of medication for the students.
3. Ellis James, 2021 Kenlake Place, spoke to Council about the policy change the U. S. Congress enacted concerning child support. He stated that instead of taking 65% the State will now take 100%, which will increase the homeless population in our city.
4. Dan Montague, 4605 Krick Street, spoke regarding the future Mid-Town Tunnel tolls and asked Council to stop construction.